herewith filed as Exhibit No.2.

5th. -- That your pratrix did give her authority in writing for the sale of said real estate and an agreement of sale was entered into by all the parties in interest with your Oratex Son, Floyd Leatherman, to purchase said land, the said agreement of sale to be consumated by the payment of the purchase money on April 1st, A.D. 1922. But your Oratrix avers that said agreement of sale was not complied with on said April 1st, A.D. 1922 and has not now been complied with and is a nullity and void and of non-effect, by reason of said non-compliance and your Oratrix withdraws now her consent to said sale and to the purchase of said land by the said Floyd Leatherman.

6th-- And your Oratrix further represents unto your Honors--that the said farm of 112 acres has been tenanted by her son Floyd Leatherman and that the said is rapidly deterorating in value by reason of the improvements thereon being allowed to become in bad repair, the fences to become broken and that the returns from the crops has been so poor that in the year 1921 your Oratrix was compelled to use income arising from other investments to pay the taxes on the said farm.

7th-- And your Oratrix avers and charges that it would to be to her best interest and advantage and the best interest and advantage of the Pemaindermen under the said Will Exhibit No.2 that the the said real estate be sold by Decree of your Honorable Court and the proceeds of such sale invested and the rents, income and profits arising from such investments to inure to the benefit of your Oratrix as provided in said Will Exhibit No.2. The said Executors and Executrix or some of them refusing to exercise the powers contained in said Will in manner and form as therein provided or with the intent to carry out its provisions.

And your Orutrix therefore prays the Court

1st-- That a Decree may be passed appointing a trustee or trustees to sell the said land at Public auction or as provided in said Will and decree and after the payment of all expenses of sale, including a reasonable Solicitors fee, to bring the proceeds of such sale into Court to be invested-under the control and direction of your Honorable Court to inure to the benefit of the person or persons entitled unto the last Will and Testament of John W.Leatherman, deceased.

And for Ceneral relief;

May it Please your Honors to grant unto your Oratrix the writ of sub-poens directed to the Sheriff of Frederick County and of Baltimore City in the usual form commanding the said John D. Horine and Ethel E. Horine his wife, Floyd Leatherman and Annie K. Leatherman his wife, Foster Leatherman and Clara Leatherman his wife, and Floyd Leatherman-Foster Leatherman and Ethel E. Horine, Executors and Executrix of John W. Leatherman, deceased to be and appear in your Honorable Court either in person or by Solicitor on some day certain to be named in said writ and show cause if any they have or either of them may have why a decree should not be passed as prayed for.

And as in duty, etc.;

(Filed April 25, 1922)

Albert S. Prown. Solicitor for Complainant.

EXHIBIT NO. "1"

I, John W. Leatherman of Frederick County, State of Maryland do make this my last Will and Testament in manner following, that is to say:-

After the payment of all my just debts and funeral expenses, I give sevise and bequeath my estate as follows;-

- 1st. I give, devise and bequeath unto my wife Flora E.Leatherman all of my property, real, personal and mixed to be held by her during her natural life and to enjoy the income arising therefrom, and after her death I give, devise and bequeath my estate as follows;-
- 2nd. I give and devise unto my daughter Ethel E. Leatherman the house and lot in Myersville, now in my occupancy and which was conveyed unto me by deed bearing even date herewith, executed by William H. Bussard, said property being devised unto her upon a valuation of Twenty Five Hundred Dollars.
- 3rd. I give, devise and bequeath, all of my estate to my children Floyd Leatherman, Foster Leatherman and Ethel E. Leatherman, share and share aloke with this provise, that the said Floyd